IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	R. Fischer et al.
Serial No.	:	10/578,900
Filed	:	November 9, 2004
For	:	2-ETHYL-4,6-DIMETHYL-PHENYL-SUBSTITUTED SPIROCYCLIC TETRAMIC ACID DERIVATIVES
Group Art Unit	:	4161
Examiner	:	RODRIGUES-GARCIA, VALERIE

DECLARATION

Dr. Wolfgang Thielert hereby declares:

- that he is an agronomist having studied at the University of Bonn, Germany;
- that he received his doctor's degree in agriculture at the University of Bonn, Germany in 1984;
- that he entered the employ of Bayer in 1984;
- that he has specialized in plant protection (phytopharmacology);
- that the following tests have been carried out under his supervision and direction

Myzus-Test (spray application)

Solvent: 78.0 parts by weight acetone
1.5 parts by weight dimethylformamide
Wetting agent: 0.5 parts by weight alkylarylpolyglcolether

To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with the stated amount of solvent and emulsifier, and the concentrate is diluted with emulsifier-containing water to the desired concentration.

Chinese cabbage (*Brassica pekinesis*) leaf–disks infected with all instars of the green peach aphid (*Myzus persicae*), are sprayed with a preparation of the active ingredient at the desired concentration.

After the specified period of time, mortality in % is determined. 100 % means that all aphids have been killed; 0 % means that none of the aphids have been killed.

In this test, for example, the following compounds showed activity, compared to the prior state of the art: see list

Tetranychus urticae – test; OP-resistant; (TETRUR spray application)

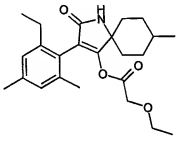
Solvent: 78.0 parts by weight acetone
1.5 parts by weight dimethylformamide
Wetting agent: 0.5 parts by weight alkylarylpolyglcolether

To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with the stated amount of solvent and emulsifier, and the concentrate is diluted with emulsifier-containing water to the desired concentration.

French beans (*Phaseolus vulgaris*) which are heavily infested with all stages of the two spotted spidermite (*Tetranychus urticae*), are sprayed with a preparation of the active ingredient at the desired concentration.

After the specified period of time, mortality in % is determined. 100 % means that all spider mites have been killed and 0 % means that none of the spider mites have been killed.

In this test, for example, the following compounds showed activity, compared to the prior state of the art: see list

substance	concentration		% efficacy
Example I-1-b-3 known from WO 01/74770	20 g / ha 20 g / ha	MYZUPE TETRUR	0 0
 according to invention	20 g / ha 20 g / ha	MYZUPE TETRUR	90 70

The undersigned declarant hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

16.3.2009 Wolfgang Thielert

Date Dr. Wolfgang Thielert